

Working With Court Interpreters

2023 Spring Parent Defender Certification Training

March 23, 2023

1

Yeah, who needs me, a qualified interpreter? Go ahead, doctor, practice your Spanish. (I'll try my hand at diagnosing this guy, via Google.)

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2

Who are foreign language court interpreters?

- Foreign language court interpreters are **HIGHLY SKILLED** professionals who fulfill an essential role in the administration of justice.
- Foreign language court interpreters must:
 - Perform at a very high level in the three modes of interpreting;
 - Be knowledgeable of court procedures and protocol; and
 - Maintain high ethical standards required by the Mississippi Code of Ethics for Court Interpreters and the Rules on Standards for Court Interpreters.

3



4

What is the role of the interpreter?

- The interpreter becomes an officer of the court after taking the oath.
- The interpreter is a neutral party in an adversarial system.
- The interpreter provides language access for Limited English Proficient (LEP) parties for court and court-ordered matters.
- The interpreter takes an oath to interpret everything faithfully and accurately.

5



6

Credentialed Interpreters

REGISTERED INTERPRETERS

1. Attended the 2-day Ethics and Skills Building Workshop
2. Passed an approved criterion-referenced written exam, with a score of 80% or more
3. Passed a criminal background check
4. Completed citizenship form
5. Signed interpreter oath

CERTIFIED INTERPRETERS

1. Completed all five requirements for "Registered" designation
2. Passed the three-part Oral Performance Exam

Interpreters are **not** employees of the AOC.

Interpreters are independent contractors who negotiate compensation with the appointing court.

7

**“Doctors are your
lifesavers,
lawyers are your
advocates,
translators and
interpreters
are your voice.”**



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8

Why do we need court interpreters?

- In Florida a Spanish speaking Cuban was sentenced to 15 years in prison and 15 years probation for stealing a dump truck. He was told by his unqualified interpreter that he was pleading guilty to stealing a toolbox, a misdemeanor. That conviction was reversed.
- A Spanish speaker went to small claims court to collect on a \$2000 bad check given to him by his boss. The court would not provide an interpreter and summarily dismissed his case because the court could not understand him.
- A Massachusetts woman seeking a domestic violence restraining order testified that her abuser told her "I want you dead." The interpreter translated the statement as "He scolded me."
- A Spanish speaking woman in Missouri received court papers written in English. The papers were a summons to court for a termination of parental rights hearing. No one translated the papers. Her rights were terminated, her son adopted, and his whereabouts are unknown.
- In New York, an Arabic-speaking non-custodial mother was denied visits with her child because an Arabic interpreter could not be found. After months of delay, she was granted supervised visitation only if she spoke English to her child. She was forbidden to speak Arabic to her child. **The mother cannot speak English.**

9



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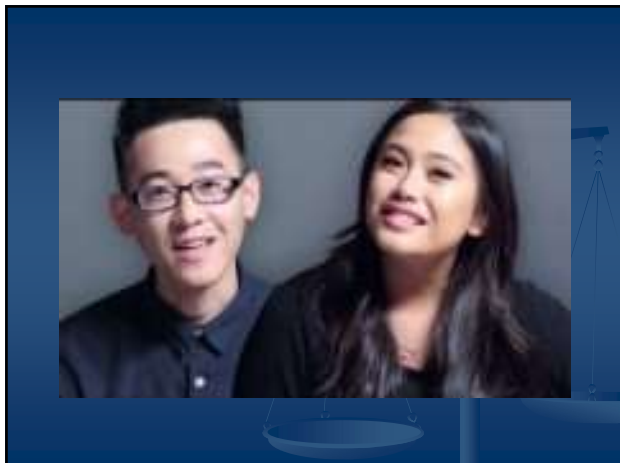
FAMILY AND FRIENDS SHOULD NOT BE USED AS COURT INTERPRETERS

Legal interpreting is a process that requires professionals., though it is tempting to use a friend or family member as an interpreter. Friends and family members can be comforting . However, having a friend or family member as an interpreter is never acceptable . Here are three reasons why:

- 1) Friend & Family Interpreters Are Not Neutral Parties**
Friends and family members have personal and emotional attachments.
- 2) Friend & Family Interpreters Are Not Professional Interpreters**
Legal interpretation is actually very complex — professional legal interpreters only make the process seem simple.
If someone is not trained as an interpreter, they are not fluent in all of the legal, medical or technical terminology that they may need to interpret. They also may not be aware of the professional and ethical responsibilities of trained interpreters. This means that they may omit key words or summarize the message, which results in an inaccurate interpretation.
- 3) Inaccurate Interpretations Have Serious Consequences**
For example, a man convicted of raping a minor avoided a life sentence because police officers used the mother of the victim to interpret during their initial interrogation. She threatened the man instead of reading him his Miranda rights.

*****Don't use friend and family interpreters; instead, hire an impartial, professional court interpreter !!!***

11



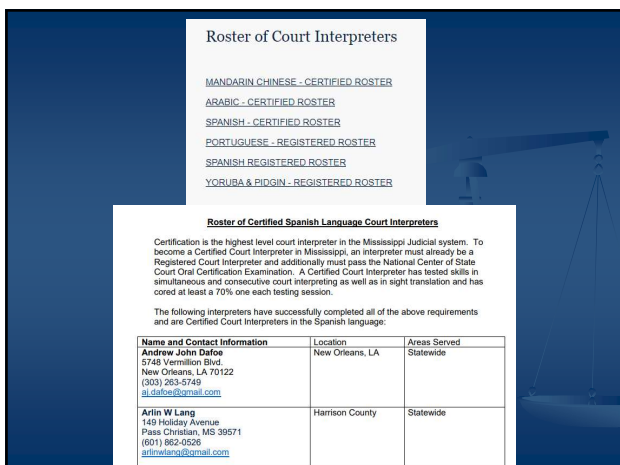
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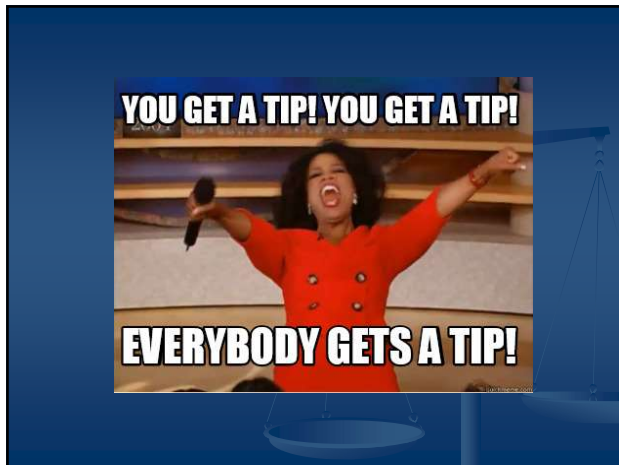
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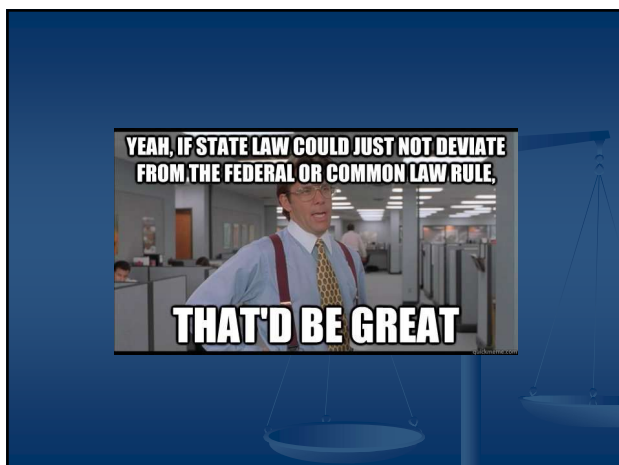


16

Tips for Working With Court Interpreters

- Direct your comments and questions to the LEP individual - NOT to the court interpreter.
- SLOW DOWN - make sure everyone speaks one at a time.
- Provide the court interpreter pertinent documents before the hearing.
- Do not ask the court interpreter to explain anything to the LEP individual.
- Court interpreters interpret all communications accurately without adding or omitting anything.
- Clarify abbreviations.
- Don't ask the interpreter not to interpret something.
- Be patient.
- Avoid interrupting.
- Try not to use too much fancy legal jargon.
- Make sure there are no conflicts with the interpreter.

17



18

The right to an interpreter is guaranteed by:

- 4th, 5th, 6th, and 14th Amendments
- Federal Court Interpreter Act (1978, Amendment, 1988)
- Civil Rights Act of 1964
 - 42 U.S.C. § 2000d *et seq.* (Title VI)
 - *Lau v. Nichols*, 414 U.S. 563 (1974): Failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI.
- Omnibus Crime Control and Safe Streets Act of 1968
 - 42 U.S.C § 3789d(c) (Safe Streets Act)

19

- The constitutional guarantee of due process applies to everyone in this country, not just fluent English-speakers.
- In America, state justice systems are required to ensure that all people, regardless of their primary language, have equal access to a fair trial and that includes the right to an interpreter.

20

Department of Justice

- **Executive Order 13166** – Improving Access to Services for Persons with Limited English Proficiency
- **Letter to State Court Administrators (Dec. 1, 2003)** – Reminding states that “most, if not all,” state courts receive federal monies in some way, shape, or form.
- **DOJ Memorandum (June 28, 2010)** – “It is the policy of the Department of Justice to ensure that limited English proficient (LEP) persons can meaningfully access all programs and activities conducted both by the Department and by entities receiving funding from the Department.”

21

- Language Access Guidance letter to State Courts from Assistant Attorney General Thomas E. Perez (from DOJ) (August 17, 2010) – “Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements.”

22

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http://courts.ms.gov/aoc/courtinterpreter/aoc_courtinterpreter.html

23
